



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/505,914 02/17/00 KATZ

R 245/249 (6046

EXAMINER

TM02/0508

LYON & LYON LLP
ATTENTION: REENA KUYPER
633 WEST FIFTH STREET, 47TH FLOOR
LOS ANGELES CA 90071

WOO, S

ART UNIT

PAPER NUMBER

2643

DATE MAILED:

05/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

TS

Office Action Summary

Application No.
09/505,914

Applicant(s)

Katz

Examiner

Stella Woo

Art Unit

2643



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 5 20) ☐ Other: _____

Art Unit: 2643

DETAILED ACTION

1. Claims 25 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 25, line 2, "said high resolution still image" lacks proper antecedent basis.

In claim 39, lines 1-2, "the text system" lacks proper antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino (USPN 5,606,496) in view of Smith (USPN 5,450,123).

D'Agostino discloses a commercial transaction communication system (Fig. 1) comprising:

video display systems (customer terminal 14 in Fig. 2A; representative terminal 12 in Fig. 2B; the customer terminal capable of operating in a video image display mode or a menu display mode (col. 6, lines 49-56);

an interconnect system (communication links 16, 18) to permit the exchange of commercial transaction data (credit card payment data; col. 7, lines 4-6, 65-67); and

Art Unit: 2643

a format switch (the representative uses an input device 46 to effect either a video image display or a menu display; col. 6, lines 47-56).

D'Agostino differs from claims 17-51 in that although it provides for transmitting a video image of the representative, it does not specify communicating a dynamic, full-motion video. However, Smith teaches the desirability of including a camera at representative terminal so that direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of D'Agostino in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

Regarding claims 30-31, Smith provides for a dynamic video source and database 6.

Regarding claim 32, D'Agostino provides for a printer 28 and printer 50.

Regarding claims 33-34, the examiner takes Official Notice that it is old and well known in the art at the time of invention to provide for freeze-frame and high resolution video capability in a video communication system such that it would have been obvious to an artisan of ordinary skill to incorporate such well known video features within the combination of D'Agostino and Smith.

Art Unit: 2643

4. Claims 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino in view of Smith, as applied to claim 17 above, and further in view of Donald et al. (USPN 5,053,956, hereinafter "Donald").

The combination of D'Agostino and Smith differs from claims 52-53 in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination of D'Agostino and Smith so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davis, Grady et al., Duran et al., Davis et al., Kenney, and Dumas show other relevant video display systems

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

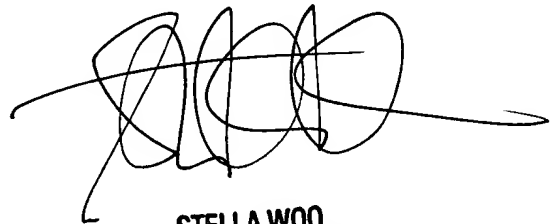
(703) 308-6306 and (703) 308-6296.

Art Unit: 2643

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:00 a.m. until 2:30 p.m., Monday through Friday.

May 7, 2001

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**STELLA WOO
PRIMARY EXAMINER**